

This record is a partial extract of the original cable. The full text of the original cable is not available.

141032Z Dec 04

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 002015

SIPDIS

AF/S FOR B. NEULING  
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE, D. TEITELBAUM

E.O. 12958: DECL: 11/08/2009

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [ZI](#)

SUBJECT: JUSTICE MINISTER ON ELECTIONS, BILATERAL RELATIONS

REF: (A) HARARE 2003 (B) HARARE 2001 (C) HARARE 1913

(D) HARARE 1505 (E) 2003 HARARE 2310

Classified By: Ambassador Christopher W. Dell under Section 1.5 b/d

[11.](#) (C) SUMMARY: Minister of Justice, Legal, and Parliamentary Affairs Patrick Chinamasa on December 10 updated the Ambassador on issues associated with the scheduled March parliamentary elections. During the sometimes testy exchange, the Minister did not address the election environment's most serious flaws, including political violence and media access. He suggested that the USG would not be invited to observe elections but that "unbiased" Americans not affiliated with the USG could be welcome. The Ambassador emphasized that Zimbabwe still did not appear to have established conditions to permit free and fair elections and reiterated that USG evaluation of the election would hinge on process issues. END SUMMARY.

#### Parliamentary Elections

-----

[12.](#) (C) Chinamasa confirmed that parliamentary elections would be held in March on a date still to be determined. He expected considerable haggling in the Parliament over nominations for the recently authorized election commission (ref A) but asserted that the Commission would be sitting by early January. An election directorate would mobilize resources from various ministries to conduct the election, while the Election Commission's work would be in tandem with other agencies responsible for facets of the election: the Registrar-General, the Delimitation Commission, and the Election Supervisory Commission.

[13.](#) (C) Chinamasa was frank about the likely limitations of ad hoc election courts under pending legislation. (Note: The Election Bill, a companion to the recently passed Election Commission Bill, is likely to pass before the end of the month. End note.) The election courts, which would be composed of seconded High Court or Supreme Court judges, would be expected to dispose of disputes in no more than six months. Chinamasa said he agreed with opposition critics who doubted such speedy justice would be possible, especially when contentious fact issues implicating depositions and conflicting testimony were involved. Nonetheless, he said that they would be an improvement over existing courts and procedure.

#### Combating Election Violence

-----

[14.](#) (C) Challenged by the Ambassador on GOZ sincerity about elections, the Justice Minister asserted that a central challenge to election administration in Zimbabwe was not the process, which he maintained was the source of few substantive complaints, but the Government's ability to address pre-election violence. Chinamasa conceded that the police were inadequate to the task, so the GOZ would rely increasingly on political parties to take responsibility. To this end, the election would provide for multi-party liaison committees to resolve disputes at the local and national levels. He noted that a similar institution had been tried in 2002 but was set up too late to achieve the intended effect. The Ambassador expressed doubt about the parties' ability to police themselves effectively in such a polarized environment unless the process included sanctions on parties and candidates, such as disqualification of those associated with violence. The Minister remained adamant that there was little Government authorities could do.

#### Election Observers: USG Unlikely, Eminent Persons Possible

-----

[15.](#) (C) Responding to the Ambassador's inquiry about election observation, Chinamasa reported that international observers would be admitted to the country strictly by invitation from the Ministry of Foreign Affairs. Invitations would go to neutral governments but not to governments that had shown themselves "biased" by imposition of "sanctions" (i.e., including the United States). Chinamasa emphasized that the matter was within the purview of MFA, not his Ministry, but

suggested that SADC, the AU, and the UN would be invited, and that the door was open for unbiased private persons from countries, including the United States, whose governments would not be invited.

#### ZANU-PF Politics

16. (C) Chinamasa was generally cagey in responding to the Ambassador's inquiries about the implications of the recently concluded ZANU-PF Party Congress. He asserted that upcoming primaries for the party would be more vibrant than ever, more so even than the likely final elections. As the party's Secretary for Legal Affairs, he had been tasked with crafting

#### SIPDIS

rules for primaries, which he joked were becoming a "cottage industry." The most significant issues for primaries were not so much factional as grassroots effectiveness, with contenders nursing constituencies in an effort to unseat incumbents. Casting the ZANU-PF incumbents in his area of Manicaland as effective, he reported that he did not plan to run for a seat and would not hazard a guess as to his likely role in the Government next year. He predicted that the Presidium (the President, two Vice-Presidents, and Party Chairman) would soon work out a new Politburo.

#### Bilateral Relations

17. (C) The Justice Minister inquired about "the state of bilateral relations," to which the Ambassador replied, "limited." Noting the importance of the upcoming elections to bilateral relations, the Ambassador said conditions for a free and fair election had yet to be met. He stressed that our judgment of the elections would be objective, based on our own criteria, and would assess actual conditions on the ground against those. Referring to suggestions by the official media and the President (ref D) that the Ambassador might be sent home if he were not sufficiently "objective" (i.e., if he were critical of the GOZ and ZANU-PF), the Ambassador underscored that the USG's positions would not be shaped by threats. The USG was scrutinizing the Zimbabwean situation carefully for concrete developments that might justify improved relations but to date had seen mostly expressions of intentions and little real change that might warrant improvement.

18. (C) Chinamasa then launched into a familiar but aggressive rehearsal of GOZ complaints of American double standards and general historical injustices. He charged that the USG castigated Zimbabwe for numerous transgressions it accepted in others, while giving Zimbabwe insufficient credit for its achievements. He asserted that Zimbabwe's parliament was among the most robust in Africa, with genuine debate, collaboration and compromise between the parties. "I can pick up the phone and talk to (MDC Shadow Minister of Justice) Coltart or (MDC Secretary-General and head of the Parliamentary Legal Committee) Welshman Ncube any time." (Comment: But not MDC MP Roy Bennet, who is serving a year's hard labor in prison for pushing Chinamasa down on the floor of the Parliament. End comment.) Zimbabwe lacked a perfect democracy but its youth -- this next election would mark the first time in the country's history that there had been two consecutive multi-party elections -- should be factored into any evaluation of its elections.

19. The Ambassador replied that Zimbabwe was being held to a high standard in part because it once held itself to a higher standard and had been a model for the region. The international community and Zimbabweans still expected more of it and were disappointed with GOZ policies, which were responsible for the nation's sharp decline. The GOZ should not expect to redress historical injustices with additional injustices today.

10. (C) Shifting to a warmer tone again, Chinamasa asserted that with growing political stability, Zimbabwe would progress toward a more rational and efficient system of secure land tenure. Referring to a book by economist Hernando de Soto given to him by the Embassy last year (ref E), Chinamasa urged that the USG "not forget its yesterdays," i.e. the fact that it took a long time in establishing the legal infrastructure to unleash its domestic capital potential. Zimbabwe could learn from American examples, and he curiously singled out New Jersey corporations law to illustrate the importance of fostering a favorable investment climate. In the meantime, however, Zimbabwe had done relatively well in overcoming colonial legacies on land so far, and was a model for other governments in the region, such as South Africa and Namibia, which the GOZ was advising.

#### Comment

11. (C) Chinamasa's sometimes gregariously friendly tone and

his inquiry about bilateral relations bespeak growing GOZ interest in better bilateral relations (ref C). As with other senior GOZ officials, however, his frothy edge in addressing purported historical injustices and Western double standards testifies to deep-seated ruling party insecurities over its misgovernance and brittle hold on power. Indeed, little he said suggests that the GOZ is willing to redress fundamental imbalances in the election environment or to undertake any other measures before the elections to justify improved relations.

12. (C) Chinamasa has been rumored in the popular press to be on the way out over his apparent alignment with Parliamentary Speaker Emmerson Mnangagwa and possible collaboration on the "Tsholotsho Declaration" (ref B). Like fellow hard-liner Jonathan Moyo, Chinamasa is a hard-working cabinet minister without a strong grassroots constituency who has gotten where he is by making himself valuable to the President. Unlike Moyo, however, he may have continuing value to Mugabe both as a sop to his Karanga patron, Mnangagwa, and as one of the few adept legal minds near the party's apex. A political pragmatist and reasonably effective bureaucratic operator, he lacks the number of in-party enemies Moyo has made. Moreover, his unswervingly hard-line political posture and latent inclination to more liberal economic policies comport with the attitudes of some elements within in the ruling party's younger generation.

DELL